

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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Rockville, Maryland 20850  
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<http://www.montgomerycountymd.gov/content/council/boa/board.asp>

**Case No. A-6010**

**PETITION OF GORDON E. CRUMP**  
(Hearing held September 1, 2004)

**OPINION OF THE BOARD**  
(Effective date of Opinion, October 1, 2004)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for a variance from Section 59-C-1.323(a). The petitioner proposes to construct a one-story garage addition that requires a variance of 10.30 feet as it is within sixty-three (63) feet of the established front building line. The required established building line is 73.30 feet.

The subject property is Lot 18, Block B, Oak Springs Subdivision, located at 14801 Harold Road, Silver Spring, Maryland, 20905, in the R-90 Zone (Tax Account No. 02982216).

Decision of the Board: Requested variance **denied.**

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioner proposes to construct a 24 x 32 foot garage addition in the western section of the property.
2. The petitioner testified that his house is a farm house that was built before the development of the subdivision and that the front of his house faces north toward Bridge Chaney Road, and not west towards Harold Road. The petitioner testified that his property is more adversely impacted by the established building line requirement than other properties in the immediate area. The petitioner's lot is 43,319 square feet.
3. The petitioner testified that a garage could not be located in the rear yard because of the existing sewer and water lines and that a garage could not be located in the eastern section of the property because of an existing deck. The petitioner testified that the location of a garage in the eastern section of the property would require the removal of the existing trees and landscaping and would also require additional paving be added to reach any new structure.

## **FINDINGS OF THE BOARD**

Based upon the petitioner's binding testimony and the evidence of record, the Board finds that the variance must be denied. The requested variance does not comply with the applicable standards and requirements set forth in Section 59-G-3.1(a) as follows:

*(a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the petitioner's lot has no exceptional topographical or other conditions peculiar to the property and that the property substantially exceeds the minimum lot size for the zone. See, Exhibit No. 10 [zoning vicinity map].

The Board notes that the existing conditions of a property are not a zoning reason for the grant of a variance and that the petitioner's property is not impacted by the established building line as much the other lots in the neighborhood might be if required to meet an established building line requirement.

The petition does not meet the requirements of Section 59-G-1.3(a) and the Board did not consider the other requirements in that section for the grant of a variance. Accordingly, the requested variance of 10.30 feet from the required 73.30 foot established front building line for the construction of a one-story garage addition is denied.

The Board adopted the following Resolution:

Board member Donna L. Barron was necessarily absent and did not participate in this Resolution. On a motion by Louise L. Mayer, seconded by Allison Ishihara Fultz, with, Angelo M. Caputo and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

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Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 1st day of October, 2004.

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Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.